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APPLICATION NO.	FILING D	DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/070,266 07/19/2002		002	Natalie Bryant	FBRIC19.001APC	2913	
20995	7590	7590 07/31/2006			EXAMINER	
	MARTENS OI	COBURN, CORBETT B				
2040 MAIN FOURTEEN	-	ART UNIT	PAPER NUMBER			
IRVINE, CA	A 92614			3714		
				DATE MAILED: 07/31/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)				
	10/070,266	BRYANT ET AL.	•			
Office Action Summary	Examiner	Art Unit				
	Corbett B. Cobur					
The MAILING DATE of this community Period for Reply	nication appears on the cover	sheet with the correspondence a	ddress			
A SHORTENED STATUTORY PERIOD F WHICHEVER IS LONGER, FROM THE M - Extensions of time may be available under the provisions after SIX (6) MONTHS from the mailing date of this com - If NO period for reply is specified above, the maximum s - Failure to reply within the set or extended period for reply Any reply received by the Office later than three months earned patent term adjustment. See 37 CFR 1.704(b).	MAILING DATE OF THIS CO s of 37 CFR 1.136(a). In no event, howe munication. tatutory period will apply and will expire s y will, by statute, cause the application to	MMUNICATION. Inver, may a reply be timely filed SIX (6) MONTHS from the mailing date of this become ABANDONED (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) file	ed on <i>13 March 2006.</i>					
	2b) ☐ This action is non-fina	ıl.				
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the pract	ice under <i>Ex parte Quayle</i> , 1	935 C.D. 11, 453 O.G. 213.				
Disposition of Claims						
4) Claim(s) 1-23 is/are pending in the	application.					
4a) Of the above claim(s) is/a	are withdrawn from considera	ation.				
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-23</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restri	ction and/or election requirer	nent.				
Application Papers						
9) ☐ The specification is objected to by the	e Examiner.					
10)⊠ The drawing(s) filed on <u>25 February</u>	2002 is/are: a)⊠ accepted	or b) ☐ objected to by the Exam	niner.			
Applicant may not request that any obje	ection to the drawing(s) be held	in abeyance. See 37 CFR 1.85(a).				
Replacement drawing sheet(s) including	•		` '			
11)☐ The oath or declaration is objected t	o by the Examiner. Note the	attached Office Action or form F	'TO-152.			
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim a) All b) Some * c) None of: 1. Certified copies of the priority 2. Certified copies of the priority	documents have been recei	ived.				
3. Copies of the certified copies application from the Internation * See the attached detailed Office action	onal Bureau (PCT Rule 17.2)	(a)).	ıl Stage			
Gee the attached detailed Office action	on to, a list of the certified co	pies not received.				
Attachment(s)						
1) ☑ Notice of References Cited (PTO-892) 2) ☑ Notice of Draftsperson's Patent Drawing Review (F		Interview Summary (PTO-413) Paper No(s)/Mail Date				
Information Disclosure Statement(s) (PTO-1449 or Paper No(s)/Mail Date <u>8-22-05</u> .	PTO/SB/08) 5) □ I	Notice of Informal Patent Application (PTO) Other:	ГО-152)			
S Patent and Trademark Office						

DETAILED ACTION

Claim Rejections - 35 USC § 112

- 1. The following is a quotation of the first paragraph of 35 U.S.C. 112:
 - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 2. Claims 8 & 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The base claims require that the player place a bet in order to be eligible for the additional features. Claims 8 & 17 require that there be additional features for which no bet is placed. It is impossible that the player must place a bet for the additional feature for which no bet is required logic forbids such an arrangement.
- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 4. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 recites the limitation "one of the plurality of games as the base game " in lines 2 & 3. There is insufficient antecedent basis for this limitation in the claim there is no plurality of games described in claim 1.

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5. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 recites the limitation "the additional feature required" in line 2. There

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is insufficient antecedent basis for this limitation in the claim - there is no required additional

feature in claim 12.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Morro et al. (US Patent Number 5,947,820).

Claims 1, 2, 12: Morro teaches a gaming machine that includes a display (the reels) including a plurality of display positions for displaying combinations of symbols. There is a controller (704) for controlling operation of the machine. The controller includes a processor for processing data and displaying selected data on the display (706). The slot machine includes a selector (708) operable by a player of the machine for enabling the player to select at least one additional feature (i.e., a payline) which can be added to a base game played on the machine such that a base bet configuration provides eligibility for the base game alone and at least one other bet configuration provides eligibility for the base game enhanced with eligibility for the at least one additional feature. If the player makes a base bet on the middle payline (payline 1), he

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is eligible to play the base game. Placing bets on paylines 2 and/or 3 provides the base game with the additional feature. The eligibility for the at least one additional feature is available for multiple values of the base bet – the paylines all require the same bet.

Claim 3: Different multiples of the base bet purchase different additional features. Each coin the player puts into the slot machine purchases a different payline.

Claims 4, 13: The selector comprises a plurality of selectors (coin slots) operable by the player to select the at least one additional feature before making the base bet. Since the bets are interchangeable, any coin can be thought of as the base bet – including the last coin to be bet.

Claims 5, 14: The additional at least one other bet staked provides eligibility to a benefit provided by that feature, there being no guarantee that the feature will eventuate merely by having staked the at least one other bet. There is no guarantee that the winning combination will appear on the additional paylines.

Claim 6, 15: The additional feature is triggered independently of the base game machine – Each payline is independent of the others.

Claims 7, 16: The selector enables a player to select a range of additional features to enable the player to tailor the game to the player's requirements. The player may select between 0 and 4 extra paylines.

Claims 8, 17: Morro teaches certain features that are no cost features (i.e., holding letters for the bonus game) & features that require an additional bet (i.e., additional paylines).

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Claims 9, 18: Morro teaches selection of paylines. Each payline is analogous to a separate game. Thus, by selecting a payline, the player can designate it as a base game. Claims 10, 11, 19, 20: Morro discloses selectors in the form of keypads & touch screens. (Col 3, 43-47)

Claim 21: Claim 21 is a conglomeration of the claims rejected above. The eligibility for at least one additional feature (at least one payline) is not dependent on a single value of the base bet. The paylines are purchased independently.

Claim 22: The particular value of the base bet comprises a maximum allowed value of the base bet - i.e., one coin.

Claim Rejections - 35 USC § 103

- 8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morro in view of Wood et al. (US Patent Number 5,868,619).
 - Claim 23: Morro teaches the invention substantially as claimed, but fails to teach the feature outcome only being available to be awarded when a feature selecting wager has been staked on the base game and a selector operable by the player to enable the player to stake the feature selecting wager and thereby be eligible to be awarded the feature in the event of a feature outcome occurring in the base game. Wood teaches a game in which the bonus is only available when a feature selecting wager has been

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staked on the base game. (Col 4, 45-53) Obviously, there must be a mechanism for making this bonus wager. Bonus wagers increase the profits of the casino. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified in view of Wood to have the feature outcome only being available to be awarded when a feature selecting wager has been staked on the base game and a selector operable by the player to enable the player to stake the feature selecting wager and thereby be eligible to be awarded the feature in the event of a feature outcome occurring in the base game in order to increase casino profits.

Response to Arguments

10. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Corbett B. Coburn Primary Examiner

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